



Federal Communications Commission
Washington, D.C. 20554

February 2, 2007

DA 07-512

Released: February 2, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

KOAT Hearst-Argyle Television, Inc.
KOV(TV)
c/o Brooks, Pierce, et al.
P.O. Box 1800
Raleigh, NC 27602

Re: KOAT Hearst-Argyle Television, Inc.
KOV(TV), Silver City, NM
Facility ID No. 53911
File No. BRCT-20060601BOM

Dear Licensee:

This letter refers to your license renewal application for station KOV(TV), Silver City, NM.

In the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of its Rules (the "Rules"), 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991). The commercial limitations became effective on January 1, 1992. *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

On June 1, 2006, you filed the above-referenced license renewal application for station KOV(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station KOV(TV) failed to comply with the limitations on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 19, you indicate that station KOV(TV) exceeded the children's television commercial limits by four seconds on April 10, 2004. You attribute this overage to human error and describe corrective actions taken to prevent future violations.

It appears from the information before us that the overage in question was an isolated and inadvertent violation of the children's television commercial limits. Such *de minimis* violation of Section 73.670 of the Commission's Rules is not an impediment to a renewal of KOVT(TV)'s license.¹ Finding you fully qualified to remain a Commission licensee, we conclude that a grant of your application for renewal of license for station KOVT(TV) would serve the public interest, convenience and necessity, and BRCT-20060601BOM IS HEREBY GRANTED.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to KOAT Hearst-Argyle Television, Inc., at the address listed above, and to Mark J. Prak, Esquire, Brooks Pierce McLendon Humphrey & Leonard, LLP, P.O. Box 1800, Raleigh, NC 27602.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ 47 U.S.C. § 309(k)(1).